

1 AN ACT concerning guardianship.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Probate Act of 1975 is amended by
5 changing Section 13-5 as follows:

6 (755 ILCS 5/13-5) (from Ch. 110 1/2, par. 13-5)
7 Sec. 13-5. Powers and duties of public guardian.) The
8 court may appoint the public guardian as the guardian of any
9 disabled adult who is in need of a public guardian and whose
10 estate exceeds \$25,000. When a disabled adult who has a
11 smaller estate is in need of guardianship services, the court
12 shall appoint the State guardian under ~~pursuant to~~ Section 30
13 of the Guardianship and Advocacy Act. When appointed by the
14 court, the public guardian has the same powers and duties as
15 other guardians appointed under this Act, with the following
16 additions and modifications:

17 (a) The public guardian shall monitor the ward and his
18 care and progress on a continuous basis. Monitoring shall at
19 minimum consist of monthly contact with the ward, and the
20 receipt of periodic reports from all individuals and
21 agencies, public or private, providing care or related
22 services to the ward.

23 (b) Placement of a ward outside of the ward's home may
24 be made only after the public guardian or his representative
25 has visited the facility in which placement is proposed.

26 (c) The public guardian shall prepare an inventory of
27 the ward's belongings and assets and shall maintain insurance
28 on all of the ward's real and personal property. No personal
29 property shall be removed from the ward's possession except
30 for storage pending final placement or for liquidation in
31 accordance with this Act.

1 (d) The public guardian shall make no substantial
2 distribution of the ward's estate without a court order.

3 (e) The public guardian may liquidate assets of the ward
4 to pay for the costs of the ward's care and for storage of
5 the ward's personal property only after notice of such
6 pending action is given to all potential heirs at law, unless
7 notice is waived by the court; provided, however, that a
8 person who has been so notified may elect to pay for care or
9 storage or to pay fair market value of the asset or assets
10 sought to be sold in lieu of liquidation.

11 (f) Real property of the ward may be sold at fair market
12 value after an appraisal of the property has been made by a
13 licensed appraiser; provided, however, that the ward's
14 residence may be sold only if the court finds that the ward
15 is not likely to be able to return home at a future date.

16 (g) The public guardian shall, at such intervals as the
17 court may direct, submit to the court an affidavit setting
18 forth in detail the services he has provided for the benefit
19 of the ward. The court shall set reasonable and appropriate
20 fees for such services.

21 (h) Upon the death of the ward, the public guardian
22 shall turn over to the court-appointed administrator all of
23 the ward's assets and an account of his receipt and
24 administration of the ward's property. A guardian ad litem
25 shall be appointed for an accounting when the estate exceeds
26 the amount set in Section 25-1 of this Act for administration
27 of small estates.

28 (i) (1) On petition of any person who appears to have an
29 interest in the estate, the court by temporary order may
30 restrain the public guardian from performing specified
31 acts of administration, disbursement or distribution, or
32 from exercise of any powers or discharge of any duties of
33 his office, or make any other order to secure proper
34 performance of his duty, if it appears to the court that

1 the public guardian might otherwise take some action
2 contrary to the best interests of the ward. Persons with
3 whom the public guardian may transact business may be
4 made parties.

5 (2) The matter shall be set for hearing within 10
6 days unless the parties otherwise agree or unless for
7 good cause shown the court determines that additional
8 time is required. Notice as the court directs shall be
9 given to the public guardian and his attorney of record,
10 if any, and to any other parties named defendant in the
11 petition.

12 (j) On petition of the public guardian, the court in its
13 discretion may for good cause shown transfer guardianship to
14 the State guardian.

15 (k) No later than January 31 of each year, the public
16 guardian shall file an annual report with the clerk of the
17 Circuit Court, indicating, with respect to the period covered
18 by the report, the number of cases which he has handled, the
19 date on which each case was assigned, the date of termination
20 of each case which has been closed during the period, the
21 disposition of each terminated case, and the total amount of
22 fees collected during the period from each ward.

23 (Source: P.A. 87-287.)